

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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|--|---|----------------------|
| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202(b) |) | |
| Table of Allotments, |) | MB Docket No. 13-156 |
| FM Broadcast Stations. |) | |
| (Port Lions, Alaska; De Beque, Colorado; and |) | |
| Benjamin, Cisco, Rule, and Shamrock, Texas) |) | |

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: October 31, 2013

Released: November 1, 2013

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a Notice of Proposed Rule Making¹ proposing the deletion of six vacant allotments in various communities in Alaska, Colorado, and Texas. No comments were received. For the reasons discussed below, we are deleting these six vacant allotments from the FM Table of Allotments.

2. **Background.** The Audio Division, on its own motion, proposed the deletion of Channel 221C0 at Port Lions, Alaska; Channel 247C3 at De Beque, Colorado; Channel 237C3 at Benjamin, Texas; Channel 261C3 at Cisco, Texas; Channel 288C2 at Rule, Texas; and Channel 225C2 at Shamrock, Texas. These vacant allotments have been offered in two or more FM auctions. No bids were entered for these allotments in Auction 94. The *Notice* stated that interested parties must file comments expressing an interest in these vacant allotments to prevent their removal, and provide an explanation as to why they did not participate in our competitive bidding process. No comments were received in response to the *Notice*.

3. **Discussion.** The Commission's policy is not to delete an FM allotment where a *bona fide* expression of interest exists, absent a compelling reason to do so.² Accordingly, we are deleting these six vacant allotments because no *bona fide* expressions of interests were filed. Deletion of these allotments may create other opportunities in nearby communities for new FM allotments or upgrades of existing stations. Therefore, we conclude that the deletion of these vacant allotments could promote a more effective and efficient use of the FM broadcast spectrum.

4. **Ordering clauses.** Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED That effective December 16, 2013, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the community listed below, to read as follows:

¹ *Port Lions, Alaska*, et al., Notice of Proposed Rule Making, 28 FCC Rcd 6973 (MB 2013)(“*Notice*”).

² See, e.g., *Montrose and Scranton Pennsylvania*, Memorandum Opinion and Order, 5 FCC Rcd 6305, 6306 (1990) (denying request to delete an allotment because interest had been expressed in its retention).

| <u>FM Auction Construction Permit No.</u> | <u>Community</u> | <u>Channel</u> |
|---|--------------------|----------------|
| MM-FM869-C0 | Port Lions, Alaska | ----- |
| MM-FM800-C2 | De Beque, Colorado | ----- |
| MM-FM806-C3 | Benjamin, Texas | ----- |
| MM-FM860-A | Cisco, Texas | ----- |
| MM-FM957-C2 | Rule, Texas | ----- |
| MM-FM960-C2 | Shamrock, Texas | ----- |

5. The Commission will not send a copy of this *Report and Order* pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of particular applicability.

6. For further information regarding a proceeding listed above, contact Rolanda F. Smith (202) 418-2700.

7. Accordingly, IT IS ORDERED, That this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau